

AG ISSUES UPDATE

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September 2025

USApple Updates

Trump Administration Makes Positive Changes to H-2A Program

In the past week, the Trump Administration announced several key changes to the H-2A program that directly reflect priorities long advocated by USApple.

1. The Department of Labor (DOL) vacated the 2023 Wage Rule, restoring use of a single AEWR for all tasks.
2. The USDA announced it would discontinue the Farm Labor Survey as the basis for the AEWR, requiring DOL to establish a new wage-setting method beginning in 2026. How DOL will approach this is unclear right now.
3. The State Department reinstated the interview waiver for returning H-2A workers, effective September 3.

Changes to the calculation of H-2A wages do not impact workers who are already here or contracts that have already been certified.

USApple remains fully engaged with these developments and is working with coalition partners to ensure the apple industry's interests are represented as the program evolves.

DOL Vacates Rule Disaggregating Wages: Big Win for H-2A Users

On August 25, a Louisiana judge ruled in favor of several farm employer groups and ordered the Department of Labor (DOL) to vacate the 2023 Biden H-2A wage rule. On August 28, DOL announced it would apply the decision nationwide, eliminating the burdensome and costly requirement to disaggregate wages for tasks not directly covered by the USDA Farm Labor Survey (FLS). This marks a return to commonsense policy—something USApple has advocated for since the rule was first proposed.

Going forward, wages for all H-2A workers will once again be based solely on the FLS, as had been the practice prior to the 2023 change.

Other Pertinent Articles :

August 29th, 2025

NCAE Applauds the Discontinuation of USDA's Farm Labor Survey

(Arlington, VA) A big week for America's farm and ranch families has become even bigger. The National Council of Agricultural Employers (NCAE), its members, and the agricultural community nationwide are celebrating an announcement that the U.S. Department of Agriculture (USDA) will give much-needed relief to America's farmers and ranchers.

Earlier today, USDA released a public inspection notice that it intends to discontinue the historically misused Farm Labor Survey (FLS).

"For years," explained Michael Marsh, NCAE's President and CEO, "federal regulators forced America's farm and ranch families to pay an escalating, imaginary wage. For years, NCAE and our members fought to have the Department put an end to misusing the FLS as a wage setting mechanism for H-2A workers."

"Finally, we have an administration that listens and has the strength to act. We are grateful to Secretary Rollins and the leadership of USDA for doing what it takes to put America's farmers and ranchers first."

"This is an exciting announcement and opportunity for America's rural community to bounce back from years of regulatory abuse. Discontinuing the FLS finally gives America's farmers and ranchers a real chance to be competitive with foreign competitors. We forward to working with Secretary Rollins and the leaders at USDA to learn what this change will mean for America's farm and ranch families."

USDA's notice comes days after a federal court in Louisiana vacated the U.S. Department of Labor's (DOL) 2023 Adverse Effect Wage Rate (AEWR) Methodology rule which incorporated wage data from the Occupational Employment and Wage Statistics (OEWS) to set wages for non-range agricultural occupations. DOL subsequently released an announcement that essentially scales the wage rate to a 2010 regulation that defaulted to use of the FLS for establishing wage rates.

The DOL's misuse of the Farm Labor Survey results has allowed wages paid to foreign farmworkers under the H-2A program to forfeit U.S. food production to our foreign competition. This means these workers are paid far more than new recruits into our Armed Services. Equally maddening, the misuse of the FLS escalates wage rates at a pace significantly higher than cost of living adjustments for American retirees collecting their Social Security benefits.

“We are hopeful,” noted Marsh, “that this discontinuation, in conjunction with the Louisiana decision and DOL’s subsequent announcement, will mean, finally, that the market will be allowed to determine wage rates rather than a wrong-headed bureaucratic mandate. Markets work if the government will let them.”

NCAE is the national trade association focusing on agricultural labor issues from the employer’s viewpoint.